

Notice of Allowability	Application No.	Applicant(s)
	10/045,283	LIN ET AL.
	Examiner	Art Unit
	Sudhanshu C. Pathak	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to Dec. 11th, 2006.
2. The allowed claim(s) is/are 1-2, 5-46, 48-51 & 53-54 and re-numbered as claims 1-50 respectively.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

DETAILED ACTION

1. Claims 1-2, 5-46, 48-51 & 53-54 are pending in the application.
2. Claims 3-4, 47, 52 & 55 have been canceled.

Allowable Subject Matter

3. Claims 1-2, 5-46, 48-51 & 53-54 are allowed.
4. Claims 1-2, 5-46, 48-51 & 53-54 and re-numbered as claims 1-50 respectively are allowable over the prior art of record because the cited references do not contain the specified limitation of a communication device for communicating data through a data channel, the communication device comprising: a) a data transformer operably coupled with the data channel, the data transformer manipulating the data between data bits, a data bit vector, and a transmission symbol, the data bit vector having a selectable predetermined integer number of data bits, the transmission symbol containing a selectable integer number of the data bit vectors; and b) a controller operably coupled with the data transformer, the data transformer being responsive thereto, the controller adaptively selecting the selectable predetermined integer number of data bits, and the selectable integer number of data bit vectors to communicate the data through the data channel at a predetermined data bit rate in response to a data channel condition, wherein the transmission symbol includes a selectable integer plurality of data bit vectors, each of the selectable integer plurality of data bit vectors having one of a first predetermined integer number of data bits and a second predetermined integer number of data bits represented therein, and wherein the data

transformer, responsive to the controller, reversibly groups ones of the first predetermined integer number of data bits into selected ones of the selectable integer plurality of data bit vectors and ones of the second predetermined integer number of data bits into selected others of the selectable integer plurality of data bit vectors in the response to the data channel condition, the selectable integer plurality of data bit vectors forming at least one data symbol corresponding to a predetermined pattern being representative of a preselected signal constellation.

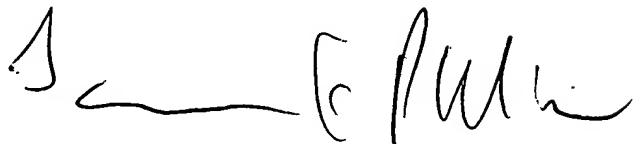
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhanshu C. Pathak whose telephone number is (571)-272-3038. The examiner can normally be reached on M-F: 9am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh M. Fan can be reached on (571)-272-3042.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2611



JAY K. PATEL
SUPERVISORY PATENT EXAMINER